

## **A-6409 Variance Request**

Modify the front stoop with three (3) treads, including one (1) new additional tread that would encroach an additional twelve (12) inches forward of the twenty-five (25) foot front building restriction line, for a maximum total encroachment of six feet, two inches (6'-2").

Ms. Joanne Kyros &  
Mr. Thomas Schaufelberger  
135 Grafton Street

**Case Synopsis:** This is a new request similar to a previously approved variance, Case A-5494 (a-d) at this address. Part (c) of the previous request was to modify the stoop and treads that would have encroached a maximum of five (5) feet forward of the front building restriction line. That portion of the work was never constructed, consequently that permit expired January 10, 2012. In this new request, the Applicants propose to add one new tread, which would increase the existing encroachment by twelve (12) additional inches, for a maximum total encroachment of six feet, two inches (6'-2") forward of the front BRL. The previous request (d) was for a covering over the stoop, which was denied by the Board of Managers. There is no covering included in the current request; the proposal is for an uncovered stoop and treads.

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CHEVY CHASE VILLAGE  
BOARD OF MANAGERS  
SEPTEMBER 9, 2013 MEETING

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STAFF INFORMATION REPORT

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TO: BOARD OF MANAGERS

FROM: ELLEN SANDS, PERMITTING AND CODE ENFORCEMENT COORDINATOR

DATE: 9/3/2013

SUBJECT: HEARING OF APPEAL CASE NO. A-6409 VARIANCE REQUEST  
MS. JOANNE KYROS & MR. THOMAS SCHAUFELBERGER, 135 GRAFTON STREET  
MODIFY THE FRONT STOOP WITH THREE (3) TREADS, INCLUDING ONE (1) NEW ADDITIONAL TREAD  
THAT WOULD ENCROACH AN ADDITIONAL TWELVE (12) INCHES FORWARD OF THE TWENTY-FIVE  
(25) FOOT FRONT BUILDING RESTRICTION LINE, FOR A MAXIMUM TOTAL ENCROACHMENT OF SIX  
FEET, TWO INCHES (6'-2").

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**Case Synopsis:** This is a new request similar to a previously approved variance, Case A-5494 (a-d) at this address. Part (c) of the previous request was to modify the stoop and treads that would have encroached a maximum of five (5) feet forward of the front building restriction line. That portion of the work was never constructed, consequently that permit expired January 10, 2012. In this new request, the Applicants propose to add one new tread, which would increase the existing encroachment by twelve (12) additional inches, for a maximum total encroachment of six feet, two inches (6'-2") forward of the front BRL. The previous request (d) was for a covering over the stoop as well, which was denied by the Board of Managers. **There is no covering included in the current request; the proposal is for an uncovered stoop and treads.**

NOTICE REQUIREMENTS: Abutting Owners; Public Notice

APPLICABLE CHEVY CHASE BUILDING REGULATION:

**The Chevy Chase Village Code § 8-17 (c) states:**

No structure or play equipment of any description shall be erected within twenty-five (25) feet of the front line of any lot.

APPLICABLE COVENANTS:

"That no structure of any description shall be erected within twenty-five (25) feet of the front line of said premises; and that no stable, carriage-house, shed, or outbuilding shall be erected except on the rear of said premises."

FACTUAL AND BACKGROUND INFORMATION:

The existing stoop and two treads encroach five feet, two inches (5'-2") forward of the front BRL.

The existing risers exceed the applicable Montgomery County building code maximum height.

The encroachment of the stoop will not be expanded; the additional new tread is what causes the twelve (12) inch increase in the encroachment.

The proposed additional tread will bring the risers into compliance with Montgomery County code.



Figure 1: View of 135 Grafton Street. The house existing stoop and two (2) treads encroach five feet, two inches (5'-2") forward of the front BRL. The proposed uncovered stoop and three treads, including one (1) new tread, would encroach an additional twelve (12) inches.



Figure 2: Close up of the existing front stoop and treads. A new roof is proposed on the existing foyer, which would not require Board approval. The proposed stoop and three treads would be uncovered.



In previous cases involving covenant setbacks and front building line restrictions, the Board has found that the covenants were not enforceable in the following circumstances (the “**bold**” examples are applicable to this case):

- 1) Where uncovered steps and stoops are installed as a matter of necessity to address the change in elevation from the ground to the entrance of a house, and which steps and stoops are the minimum necessary to provide reasonable access, these steps and stoops are not considered structures for the purposes of the covenants.
- 2) When uncovered steps and stoops were constructed at the time that the covenants applicable to the property were placed, or shortly thereafter, it was presumed that the covenant authors did not intend those protrusions to be classified as “structures” for the purposes of the covenants.
- 3) Where a large percentage of properties on the same block had encroachments or projections of a certain type forward of the front building and covenants restriction line it was presumed that the covenant authors did not intend those encroachments or protrusions to be classified as “structures” for the purposes of the covenants.
- 4) When the proposed encroachment does not expand an existing encroachment.

The Village arborist has assessed the property for tree protection measures for the proposed project. There are no tree impact concerns related to the proposed work.

To date there have been no letters received from abutting neighbors either in support of or opposition to the request.

Applicable Fees: Building Permit Application: \$30; Variance Application Fee: \$300; TOTAL: \$330.

#### RELEVANT PRECEDENTS:

Recent precedents for porticos, stoops and steps that encroach forward of the twenty-five (25) foot front building restriction line include:

In May 2005 Mr. & Mrs. Justin Bausch of 12 East Lenox Street were **granted a variance to extend** the uncovered steps leading to the front porch. In the Bausch case the covenants were worded to prohibit “any stable, carriage houses or shed” forward of the twenty-five (25) foot front building restriction line, rather than the more standard language prohibiting “structure[s] of any description” forward of that setback. In December of 2010, Mr. & Mrs. Robert Maruszewski of 127 Grafton Street were **granted a variance to enlarge** a non-conforming uncovered stoop which would encroach five feet, six inches (5’-6”) forward of the twenty-five (25) foot front building restriction and covenant setback line, an additional two feet, eleven inches (2’-11”) farther than the existing stoop. In January of 2011 the same applicants were **denied a variance to construct** a portico over the previously approved stoop and steps. In January of 2011, Ms. Joanne Kyros and Mr. Thomas Schaufelberger were granted multiple variances to extend existing encroachments in the west (side) yard of their property pertaining to an addition as well as **granted a variance to construct** an uncovered stoop with three treads that would encroach five (5) feet forward of the front building restriction and covenant setback line, an additional two (2) inches farther than the existing treads. The applicants were **denied permission to construct** a roof over the proposed stoop that would encroach three (3) feet forward of the front building restriction line. In December 2010, Mr. Gregory L. Dixon and Ms. Susan F. Dixon, Co-Trustees of the Gregory L. Dixon Revocable Trust and the Susan F. Dixon Revocable Trust, of 5500 Montgomery Street, were **granted a variance to expand** their uncovered front stoop that would extend three (3) feet forward of the twenty-five (25) foot front building restriction and covenant setback line. In February of 2012, Mr. & Mrs. Andrew Marino, of 11 Primrose Street, were **granted**



a **variance to relocate and construct** non-conforming uncovered front steps, leading to a covered porch, both of which were forward of the twenty-five (25) foot front building restriction and covenant setback line. The proposed steps encroach twelve feet, eight inches (12'-8") forward of this twenty-five (25) foot front setback line, an additional ten (10) inches beyond the existing steps. In April of 2012 Mr. & Mrs. D. Blake Bath were **granted a variance to reconstruct** the uncovered front steps and add an additional step leading from the front walkway to the front porch forward of the twenty-five (25) foot front building restriction and covenant setback line. In May of 2012 Dr. & Mrs. Charles Bahn of 118 Hesketh Street were **granted a variance to reconstruct** the uncovered front steps from the front walkway to the front porch, adding one tread, a portion of which would be located forward of the twenty-five (25) foot front building restriction and covenant setback line. In June of 2012, Dr. & Mrs. Jeffrey Shuren were **granted a variance to reconstruct** uncovered steps that would extend an additional one foot, one inch (1'-1") beyond the existing steps for a maximum encroachment of six feet, eight inches (6'-8") forward of the twenty-five (25) foot front building restriction line. On December 10, 2012 the Chevy Chase Village Board of Managers **considered** the request of Mr. & Mrs. Steven Sprenger of 5501 Park Street for a **variance to construct** uncovered treads leading to a front stoop in the front (Park Street) yard which would encroach forward of the front building restriction line. A motion to approve the request for a variance failed; therefore, construction of the proposed treads was **denied** per the Village Manager's decision dated October 25, 2012. In that case there had not previously existed an encroachment forward of the front BRL and covenant setback line at the property nor was there an established encroachment throughout the rest of that block of Park Street. In March 2013, Mr. & Mrs. Alex Sternhell of 27 Primrose Street were **granted** a variance to reconfigure a pair of existing front steps that would encroach forward of the twenty-five (25) foot front building restriction line. In June of 2013, Mr. Brendan O'Neill Sr. was **granted a variance to construct** a new house, the proposed soffit, gutter, portico stoop and treads of which would encroach forward of the twenty-five (25) foot front building restriction line. In June of 2013, Mr. & Mrs. Peter Wellington of 18 West Lenox Street were **granted a variance to reconstruct** the front stoop with three treads, including one new additional tread that would encroach a maximum of nine (9) feet. In July 2013, Mr. Christopher Erckert and Mr. Christopher Sperl were **granted a variance to modify** an existing stoop and one tread that would encroach a maximum of eleven and two-tenths (11.2) feet forward of the twenty-five (25) foot front building restriction line.

#### FINDINGS REQUIRED:

1. The proposed variance is required because special conditions exist whereby the enforcement of the requirements of the Village Building Code would result in an unwarranted hardship and injustice to the owner.
2. The proposed variance will most nearly accomplish the intent and purpose of the requirements of the Village Building Code; and
3. Except for variances from the requirements of Sections 8-22 [fences], 8-26 [driveways] or Article IV [public rights-of-way] of the Village Regulations, the structure authorized by the proposed variance would not violate any covenant applicable to the property.

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#### Draft Motions

I move to direct staff to draft a decision **APPROVING/DENYING** the variance request in Case A-6409, to modify the front stoop with three (3) treads, including one (1) new additional tread that would encroach an additional twelve (12) inches forward of the twenty-five (25) foot front building restriction line, for a maximum total encroachment of six feet, two inches (6'-2"), based on the findings that ...

**CHEVY CHASE VILLAGE  
NOTICE OF PUBLIC HEARING**

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Please take notice that the Chevy Chase Village Board of Managers will hold a public hearing on the 9<sup>th</sup> day of September, 2013 at 7:30 p.m. The hearing will be held at the Chevy Chase Village Hall at 5906 Connecticut Avenue in Chevy Chase, Maryland.

**APPEAL NUMBER A-6409  
MS. JOANNE KYROS & MR. THOMAS SCHAUFELBERGER  
135 GRAFTON STREET  
CHEVY CHASE, MARYLAND 20815**

The applicants seek a variance from the Board of Managers pursuant to Section 8-11 of the Chevy Chase Village Building Code to modify the front stoop with three (3) treads, including one (1) new additional tread that would encroach an additional twelve (12) inches forward of the twenty-five (25) foot front building restriction line, for a maximum total encroachment of six feet, two inches (6'-2").

**The Chevy Chase Village Code § 8-17 (c) states:**

No structure or play equipment of any description shall be erected within twenty-five (25) feet of the front line of any lot.

Additional information regarding this appeal may be obtained at the Chevy Chase Village Office between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, may be viewed on the Village website at [www.chevychasevillagemd.gov](http://www.chevychasevillagemd.gov) or you may contact the office for this information to be mailed to you.


This notice was emailed (where possible) and mailed to abutting and confronting property owners on the 23<sup>rd</sup> day of August, 2013.

**Chevy Chase Village Office  
5906 Connecticut Avenue  
Chevy Chase, Maryland 20815  
301-654-7300**

**MAILING LIST FOR APPEAL A-6409**

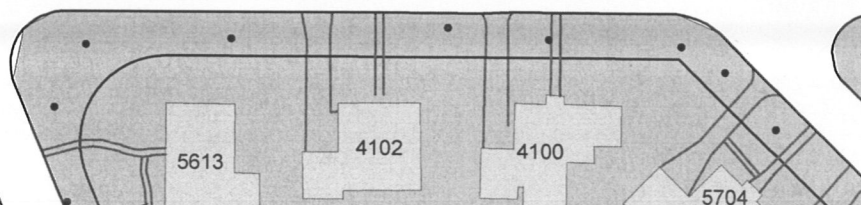
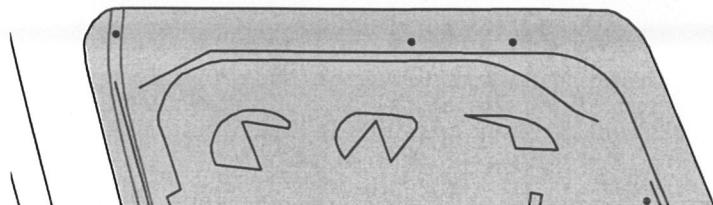
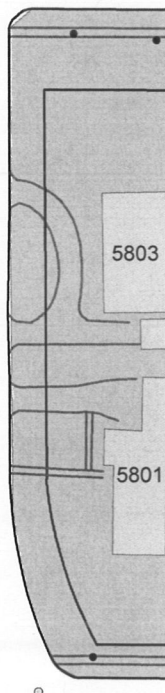
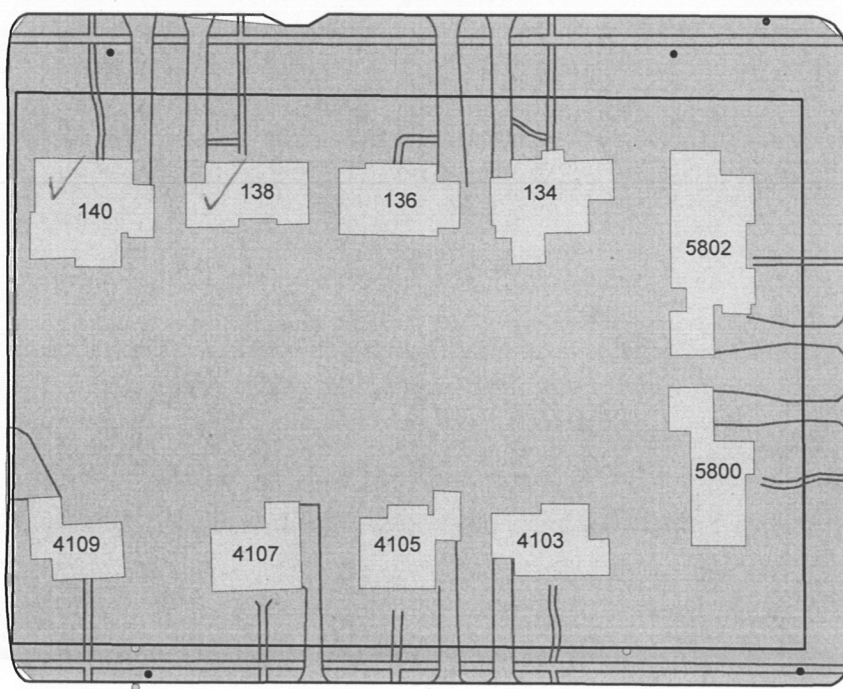
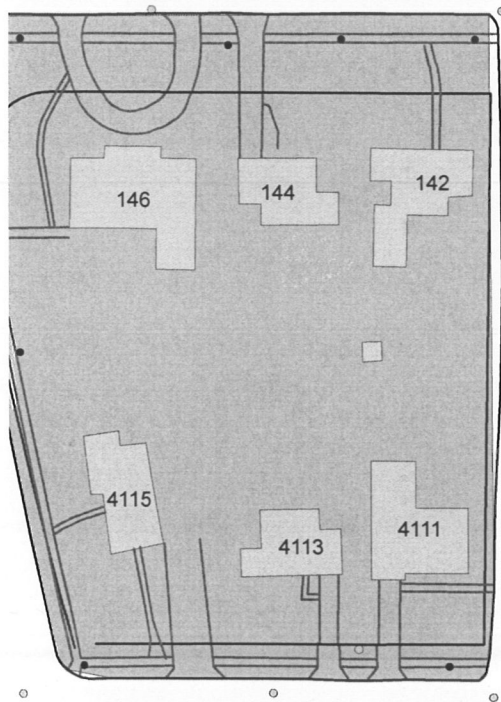
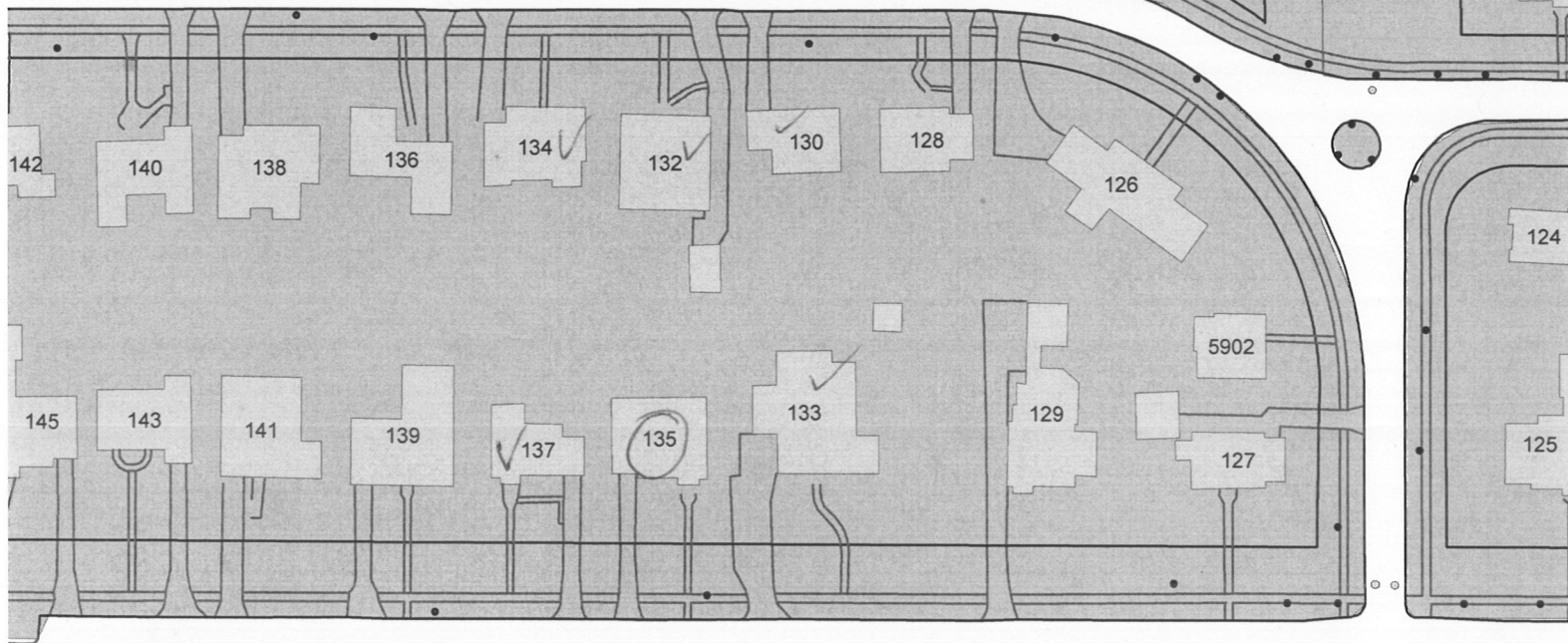
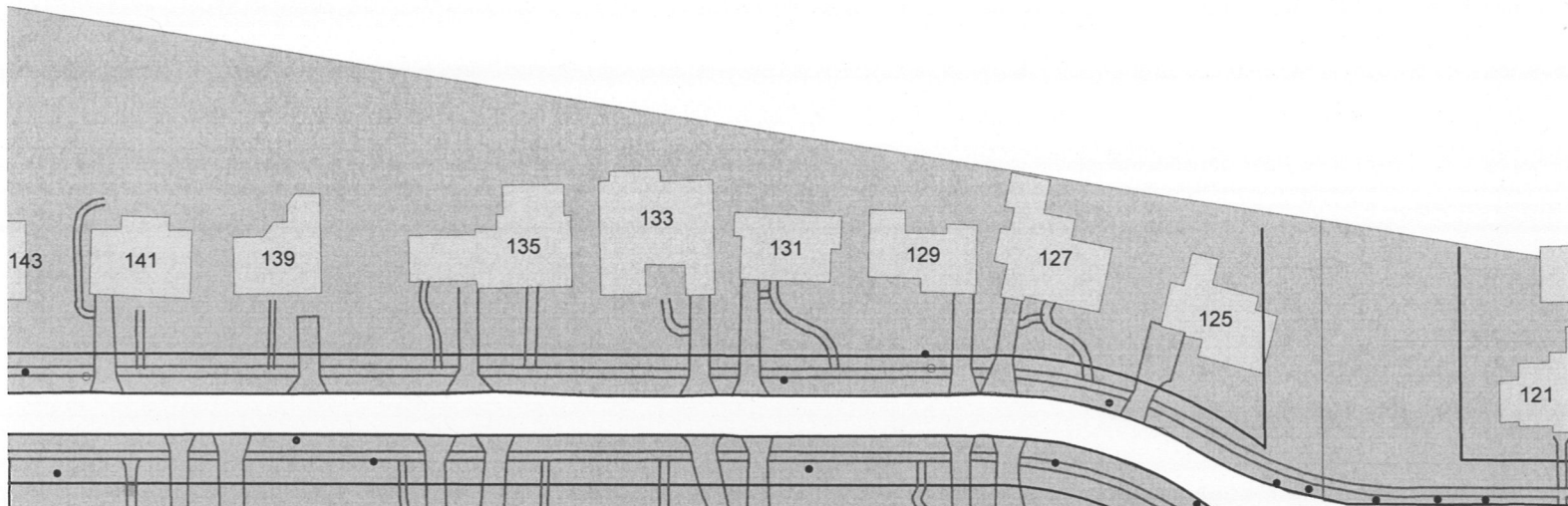
**MS. JOANNE KYROS &  
MR. THOMAS SCHAUFELBERGER  
135 GRAFTON STREET  
CHEVY CHASE, MD 20815**

<b>Adjoining and confronting property owners</b>	
Mr. & Mrs. John O'Conner Or Current Resident 137 Grafton Street Chevy Chase, MD 20815	Mr. & Mrs. William A. Babb Or Current Resident 133 Grafton Street Chevy Chase, MD 20815
Mr. & Mrs. Christopher C. Hayes Or Current Resident 140 Grafton Street Chevy Chase, MD 20815	Mr. & Mrs. Gregory Parisi Or Current Resident 138 Grafton Street Chevy Chase, MD 20815
Dr. & Mrs. Robert Egnell Or Current Resident 134 Hesketh Street Chevy Chase, MD 20815	Ms. Suzy Friedman-Cohen & Mr. David S. Cohen Or Current Resident 132 Hesketh Street Chevy Chase, MD 20185
Mr. & Mrs. Michael Tuttle Or Current Resident 130 Hesketh Street Chevy Chase, MD 20815	

  
I hereby certify that a public notice was mailed to the aforementioned property owners on the 23<sup>rd</sup> day of August 2013.

**Ellen Sands  
Permitting and Code Enforcement Coordinator  
Chevy Chase Village  
5906 Connecticut Avenue  
Chevy Chase, MD 20815**





# CHEVY CHASE VILLAGE

ESTABLISHED 1890

August 23, 2013

Mr. Joanne Kyros &  
Mr. Thomas Schaufelberger  
135 Grafton Street  
Chevy Chase, MD 20815


Dear Ms. Kyros & Mr. Schaufelberger:

Please note that your request for a variance to modify the front stoop and construct new treads at your property is scheduled before the Board of Managers on Monday, September 9, 2013 at 7:30 p.m.

Either you or another representative must be in attendance to present your case. At that time, additional documents may be introduced and testimony can be provided in support of the request.

Should the Board approve your request for a variance to construct the proposed work, all applicable permits from the Village and Montgomery County must be obtained prior to commencing the work. For your convenience, enclosed please find copies of the Public Hearing Notice and mailing list. Please contact the Village office in advance if you are unable to attend.

Sincerely,



Ellen Sands  
Permitting and Code Enforcement  
Chevy Chase Village

Enclosures

CHEVY CHASE VILLAGE  
5906 Connecticut Avenue  
Chevy Chase, Maryland 20815  
Phone (301) 654-7300  
Fax (301) 907-9721  
ccv@montgomerycountymd.gov  
www.chevychasevillagemd.gov

#### BOARD OF MANAGERS

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MICHAEL L. DINGER  
*Vice Chair*

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ELISSA A. LEONARD  
*Board Member*

VILLAGE MANAGER  
SHANA R. DAVIS-COOK

LEGAL COUNSEL  
SUELLEN M. FERGUSON

# Chevy Chase Village Building Permit Application

Permit No: A-6409

Property Address: 135 GRAPTON STREET  
CHEVY CHASE MD 20815

**Resident Name:**

Daytime telephone: 301-986-5633

Cell phone: 240-401-4036

After-hours telephone:

E-mail: THOSHO@aol.com

Project Description: REBUILDING + ALTERATION TO FRONT ENTRY STEPS +  
LANDING; NEW ROOF LINE @ EXISTING ENTRY PORTICO.

☐ Check here if the construction will require the demolition of over fifty (50) percent of any existing structure.

**Primary Contact for Project:**

☒ Resident

☐ Architect

☐ Project Manager

☐ Contractor\*

\*MHIC/MD Contractor's License No. (required):

**Contractor Contact Information:**

Name:

Work telephone:

After-hours telephone:

Cell phone:

E-mail:

**Will the residence be occupied during the construction project?**

☒ Yes

☐ No

If no, provide contact information for the party responsible for the construction site (if different from above):

Name:

Address:

Work telephone:

After-hours telephone:

Cell phone:

E-mail:

**Parking Compliance:**

Is adequate on-site parking available for the construction crews?

☒ Yes

☐ No

If no, please attach a parking plan which minimizes inconvenience to neighboring residents, and indicate if the property is in a permit parking area.

Will road closings be required due to deliveries, equipment or other reasons?

☐ Yes

☒ No



**Building Permit Filing Requirements:**  
Application will not be reviewed until the application is complete

- ☐ Copy of stamped drawings approved by Montgomery County Department of Permitting Services (DPS) and the Historic Preservation Commission (HPC), if required. Every page of drawings must be clearly stamped.
- ☐ This application form, signed by resident.
- ☐ Boundary Survey
- ☐ Site Plan (see: Village Site Plan Checklist to ensure completeness)
- ☐ Building plans and specifications
- ☐ Tree Preservation Plan requested of Village arborist (see: Village Tree Inspection Request form). All required tree protections must be fully installed before any work begins.
- ☐ Filing Fee (due at time of application). Fees schedule is listed in Chapter 6 of the Village Code.
- ☐ Damage deposit or performance bond (due when Building Permit is issued). Amount of required deposit or bond will be set by Village Manager.

*Once this permit application is complete, the Village Manager will review the application and accompanying documents and, under most circumstances, act on the application within 5 to 10 working days.*

*If the Montgomery County permit is suspended, revoked or lapsed, the Village permit is automatically suspended, revoked or lapsed.*

*No signs advertising the architect, contractor, or any other service provider may be posted on the work site.*

**I hereby certify that I have the authority to make the foregoing application, that the application is correct, that I have read and understood all requirements and that the construction will conform to the regulations of the Montgomery County Zoning Code, the Village Code including Urban Forest code, and any covenants and easements on the subject property.**

**Applicant's Signature:**

*Joe C. Kyros*

**Date:** 8.14.13

*To be completed by Village staff:*

Is this property within the historic district?

Yes ☐

No ☒

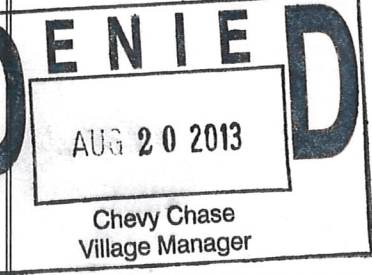
Staff Initials: CS

Date application filed with Village: 8/16/13

Date permit issued: \_\_\_\_\_

Expiration date: \_\_\_\_\_

For Use By Village Manager	Application approved with the following conditions:

For Use By Village Manager	Application denied for the following reasons:
	<i>Denise Beck</i> <i>she proposed steep and treacherous</i> <i>encroach forward of the</i> <i>25' BRL.</i>

<b>Filing Fees</b> (due when application submitted)	<b>Checks Payable to:</b> Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
Permit Application Fee: \$ <u>30.00</u> (see Permit Fee Worksheet)	
Tree Preservation Plan Fee: <input type="checkbox"/> \$250.00 <input checked="" type="checkbox"/> Not required for this project.	
TOTAL Fees: <u>\$30.00</u>	Date: <u>8/14/13</u> Staff Signature: <i>[Signature]</i>

<b>Damage Deposit/Performance Bond</b> (due when permit is issued)	<b>Checks Payable to:</b> Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
<input type="checkbox"/> \$ _____ <input type="checkbox"/> Waived by Village Manager	Date: Staff signature:
Cost of damage to R-O-W: (calculated at close-out) Amount of refund:	Date: Staff signature:

For Village Staff use: Field file for inspections by Code Enforcement Officer has been created: <input type="checkbox"/> Yes (Date: _____)
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# Chevy Chase Village

## Application for a Variance

A variance is permission granted to a landowner to depart from the specific requirements of the Village zoning ordinance and allows a landowner to use land differently than specified in the ordinance. The variance is a written authorization from the Board of Managers permitting construction in a manner not otherwise allowed by the Village Code.

Subject Property: 135 GRAYTON ST. CHEVY CHASE MD 20815	
Describe the Proposed Project: rebuilding & alteration to front entry steps & landing; new roofline & existing portico.	
Applicant Name(s) (List all property owners):	
Daytime telephone: 301.986.5633	Cell: 240.401.4036
E-mail: THospead.com	
Address (if different from property address):	
For Village staff use:	
Date this form received: 8/20/13	Variance No: A-6409

### Filing Requirements:

- ☐ Application will not be accepted or reviewed until the application is complete
- ☐ Completed Chevy Chase Village Application for a Variance (this form)
- ☐ Completed Chevy Chase Village Building Permit Application
- ☐ A boundary survey or plat diagram with a margin of error of one tenth of a foot or less showing all existing structures, projections and impervious surfaces.
- ☐ Surveys, plats, engineering reports, construction plans/specifications or other accurate drawings showing boundaries, dimensions, and area of the property, as well as the location and dimensions of all structures/fences/walls/etc., existing and proposed to be erected, and the distances of such structures/fences/walls/etc., from the nearest property lines. These drawings shall incorporate and display reference dimensions from the boundary survey or plat diagram required above.
- ☐ Copy of Covenants applicable to the property except for variances from Sections 8-22, 8-26 or Article IV of Chapter 8 of the Chevy Chase Village Code.
- ☐ Variance fee (See fee schedule listed in Chapter 6 of the Village Code).

### Affidavit

I hereby certify that I have the authority to submit the foregoing application, that all owners of the property have signed below, that I have read and understand all requirements and that I or an authorized representative will appear at the scheduled public hearing in this matter. I hereby authorize the Village Manager, or the Manager's designee, and/or the Board of Managers to enter onto the subject property for the purposes of assessing the site in relation to this variance request. I hereby declare and affirm, under penalty of perjury, that all matters and facts set forth in the foregoing application are true and correct to the best of my knowledge, information and belief.

Applicant's Signature: [Signature]

Date: 8-15-13

Applicant's Signature: [Signature]

Date: 8/15/13



**Describe the basis for the variance request (attach additional pages as needed).**

Describe the special conditions of the property (e.g., odd shape, small size, sloping topography, abuts state highway, etc.) and how the property compares to other properties in the Village:

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Describe how enforcement of the building regulations would result in an unwarranted hardship and injustice because of the special condition(s) described above (i.e., describe (i) the unwarranted hardship and injustice that you claim exists and (ii) how the special conditions cause that unwarranted hardship and injustice):

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Describe how the proposed variance most nearly accomplishes the intent and purpose of the requirements of Chapter 8 of the Chevy Chase Village Code, entitled *Buildings and Building Regulations*:

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*In exercising its powers in connection with a variance request, the Chevy Chase Village Board of Managers may reverse or affirm, wholly or partly, or may modify the requirement, decision or determination as it deems appropriate.*

<b>Variance Filing Fee</b>	<b>Checks Payable To: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815</b>
<i>Per Village Code Sec. 6-2(a)(24):</i> <input type="checkbox"/> \$300.00 for new construction. <input checked="" type="checkbox"/> \$150.00 for replacing existing non-conformities. <input type="checkbox"/> \$300.00 for fences, walls, play equipment, trees, hedges, shrubbery in the public right-of-way. <input type="checkbox"/> Other: \$ _____ <i>Check #</i> <b>Fee Paid:</b> <i>\$150.00 2063</i>	<b>Date Paid:</b> <i>8/19/13</i> <b>Staff Signature:</b> <i>[Signature]</i>
	<b>Approved to Issue Building Permit per Board Decision Signed by the Board Secretary on:</b>  <b>Date:</b> _____  <b>Signature:</b> _____ <b>Village Manager</b>

FREDERICK TAYLOR, AIA  
1433 Otis Street NE  
Washington, DC 20017  
(202) 635-8087  
www.chevychasearchitect.com

## CHEVY CHASE VILLAGE – APPLICATION FOR A VARIANCE

TOM SCHAUFELBERGER & JOANNE KYROS  
135 GRAFTON STREET  
CHEVY CHASE, MD 20815

### **Describe the special conditions of the property (e.g. odd shape, sloping topography, abuts highway, etc.) and how the property compares to other properties in the Village:**

While the subject property is somewhat smaller than is typical for Chevy Chase (6600 SF), it is the topography and how that relates to the regulations regarding the BRL that create a problem. The existing finish floor level of the house is approximately 35" above grade at the front door. The present landing is 9" below the interior finish floor level, and the three step to grade are 8", 8", and 10".

Steps so tall and which also vary in height so dramatically are a tripping hazard and are not permitted by current codes. Current codes specify a riser height of 7-3/4" maximum and prescribe a maximum variation in height of 3/8" (R311.7.4.1) and a maximum change in grade at an egress door of 7-3/4" (R311.3.1).

### **Describe how enforcement of the building regulations would result in an unwarranted hardship and injustice because of the special conditions described above (i.e. describe (i) the unwarranted hardship and injustice that you claim exists and (ii) how the special conditions that cause the unwarranted hardship and injustice):**

The Village code requires that any construction that projects beyond the BRL requires a variance, therefore there is no way to correct the safety-related problems at the entrance to the Subject Property outlined above without the relief provided by a Variance.

### **Describe how the proposed variance most nearly accomplishes the intent and purpose of the requirements of Chapter 8 of the Chevy Chase Village Code, entitled Buildings and Building Regulations:**

Chapter 8 specifies that "The Building Code of Montgomery County, Maryland, shall be applicable in the Village as a County ordinance and shall be in addition to and not in lieu of the specified provisions of this Chapter or the building restrictions which are incorporated in deeds of conveyance within the Village." (Sec. 8-2). The proposed changes to the Subject Property are for the purpose of addressing the Building Code violations outlined above. The re-built landing will be of approximately the same size (3" deeper than existing and approximately 16" wider) as the existing one, and there will be one additional step. The proposed design intrudes only 12" more beyond the BRL than the present one does. Other changes to the entry portico for purely aesthetic reasons do not extend past the BRL.

While nowhere stated specifically within Chapter 8, the clear purpose of the regulations is to preserve the exemplary architectural character of the community, and avoid un-necessary and un-desirable variations from the established urban order. The design of the steps is aimed at maintaining the architectural spirit of the house and surrounding neighborhood and requires only minimal relief from the technical requirements of the code.

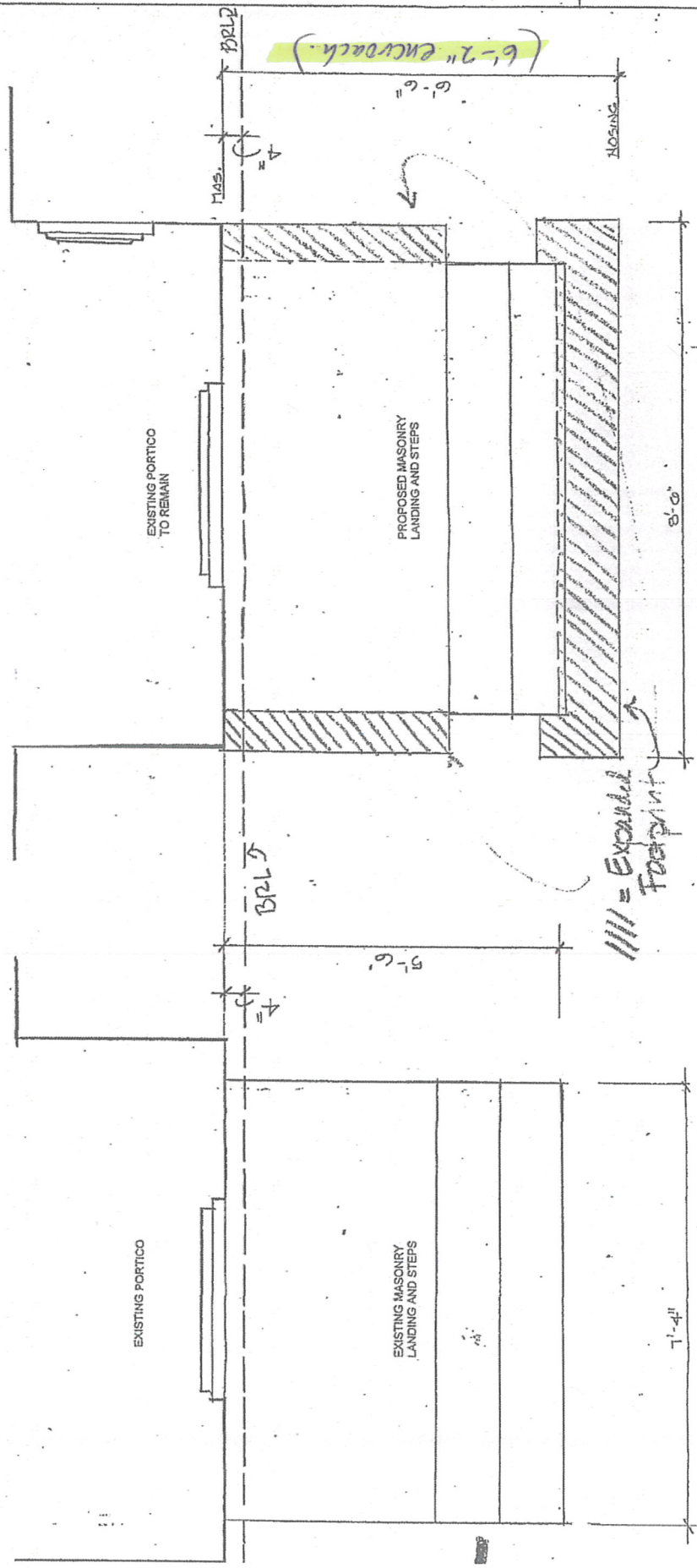


FREDERICK TAYLOR  
1433 OTIS STREET N  
WASHINGTON, DC 2  
(202) 635-8087  
www.fredricktaylorarchitects.com

SCHAUFFELBERGER-KYROS RESIDENCE  
135 GRAFTON STREET  
CHEVY CHASE, MD 20815

NEW & EXISTING STEPS -  
COMPARISON  
1/4" = 1'-0"

A2



1 DETAIL PLAN - PROPOSED LANDING & STEPS  
A2 1/4" = 1'-0"

DETAIL PLAN - EXIST. LANDING & STEPS  
1/4" = 1'-0"

Professional Certification: I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed Professional Architect

9



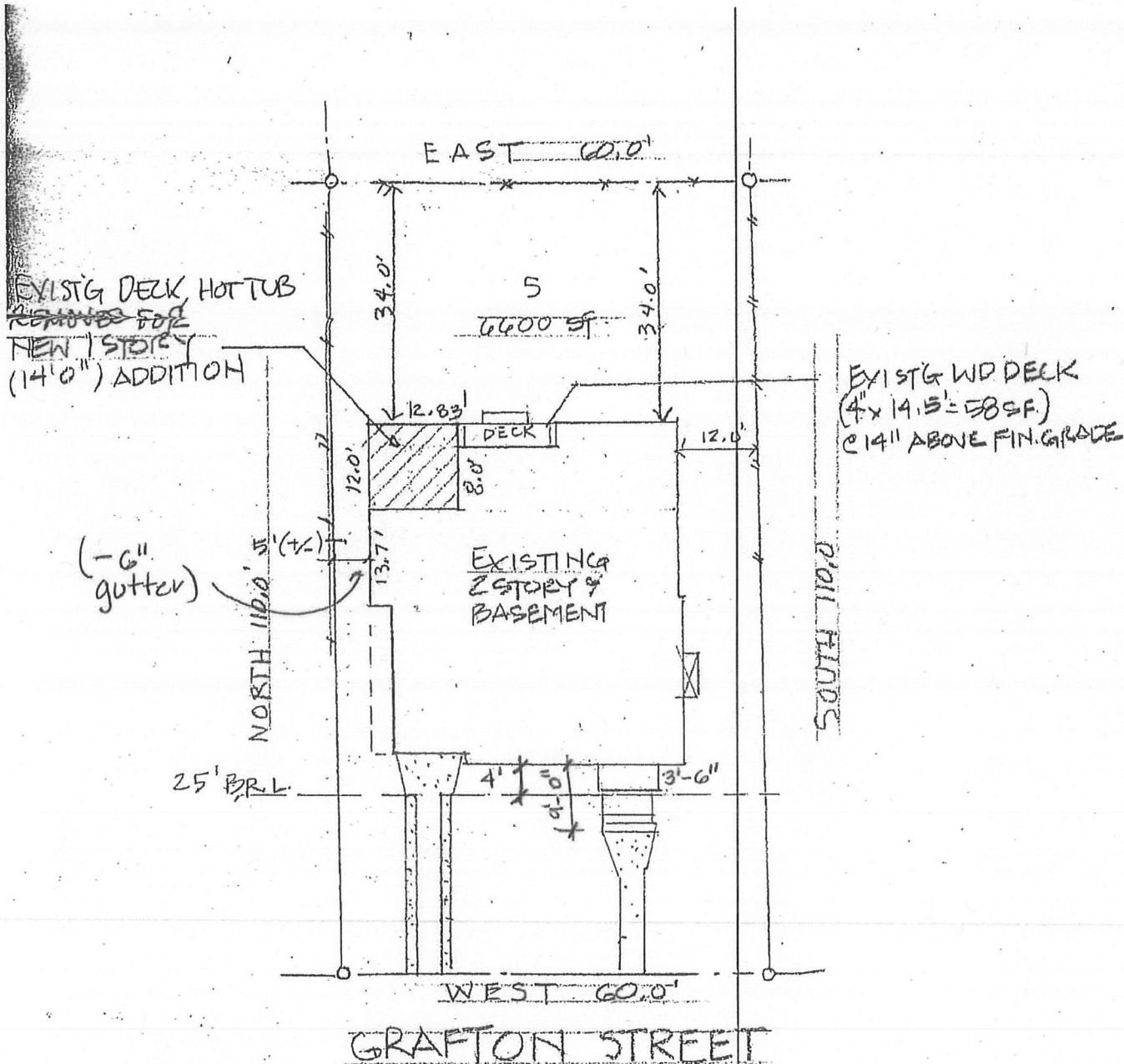




## **Previous Appeal Materials**

(Case A-5494 (a-d) heard January 10, 2011)





# ZONING NOTES

LOT 5 BLOCK 63  
PLAT BK 13 PLAT # 1273

SCALE: 1"=20'

R-60

35% COVERAGE ALLOWED:

2310 S.F.

EXIST'G RESIDENCE : 1818 SF

NEW STORY ADDITION: 154 SQ FT.

1972 S.F

## ADDITION CALCULATION

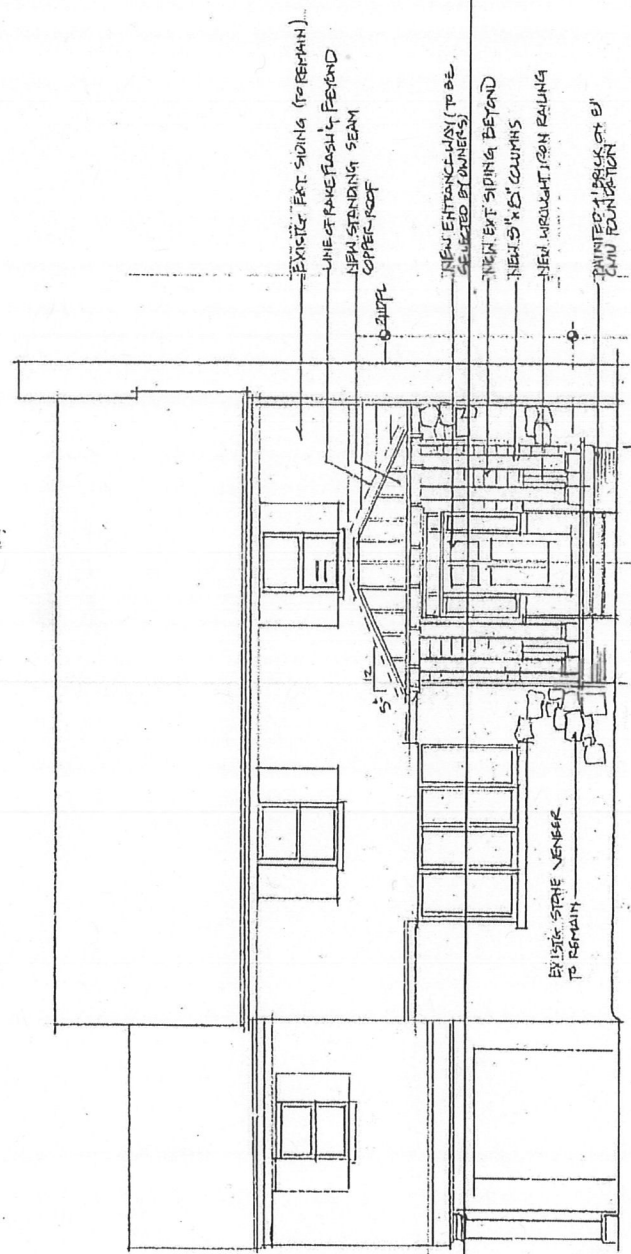
1ST FLOOR EXISTG; 1818 SQ FT

AREA DEMOLISHED 0 SQ. FT.

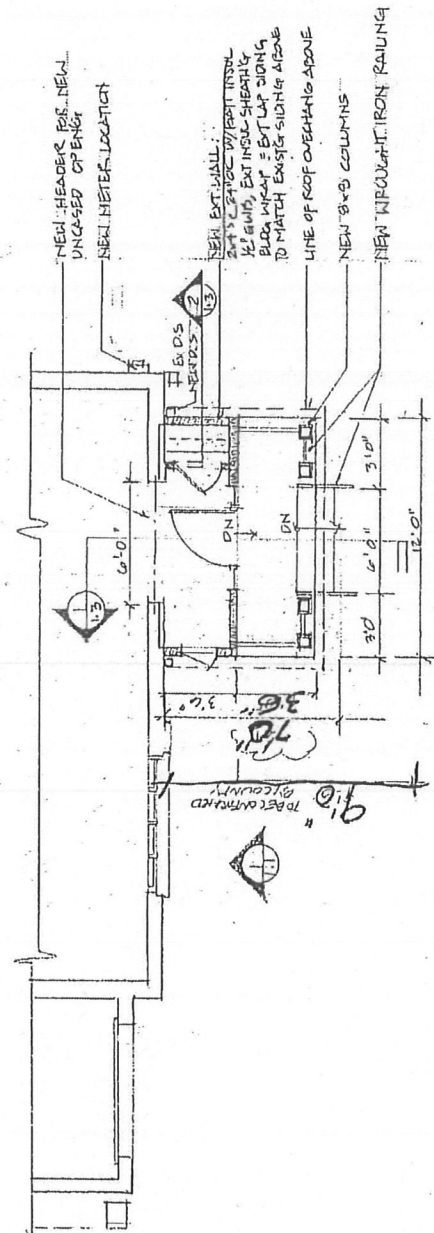
$$= 0\% \text{ (10, 10)} = 900 \text{ SF}$$

14

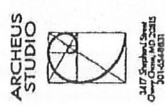
Proposed



FRONT ELEVATION



PLAN DETAIL



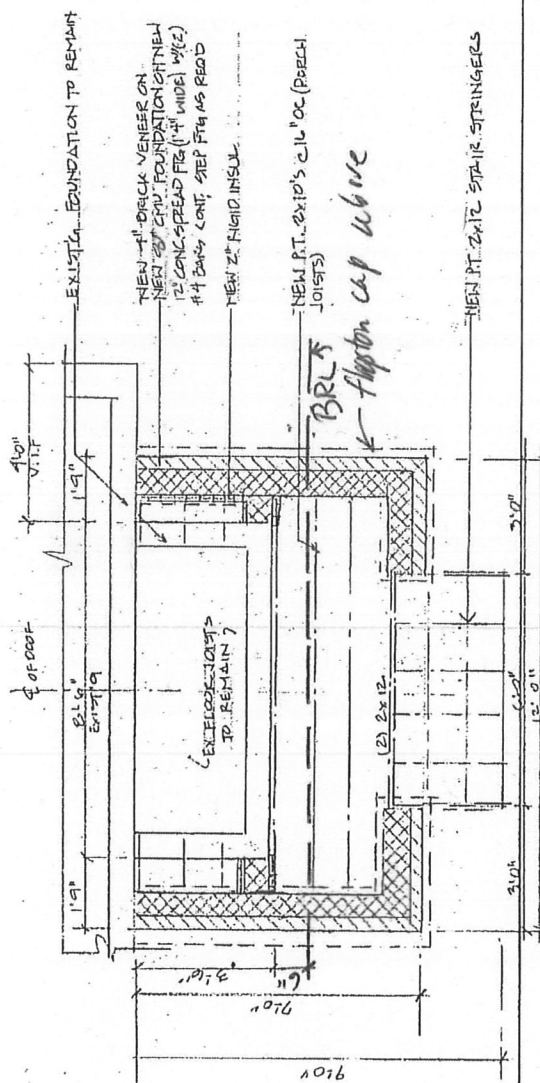
ARCHEUS  
STUDIO

ALL RIGHTS RESERVED  
NO REPRODUCTION  
WITHOUT PERMISSION

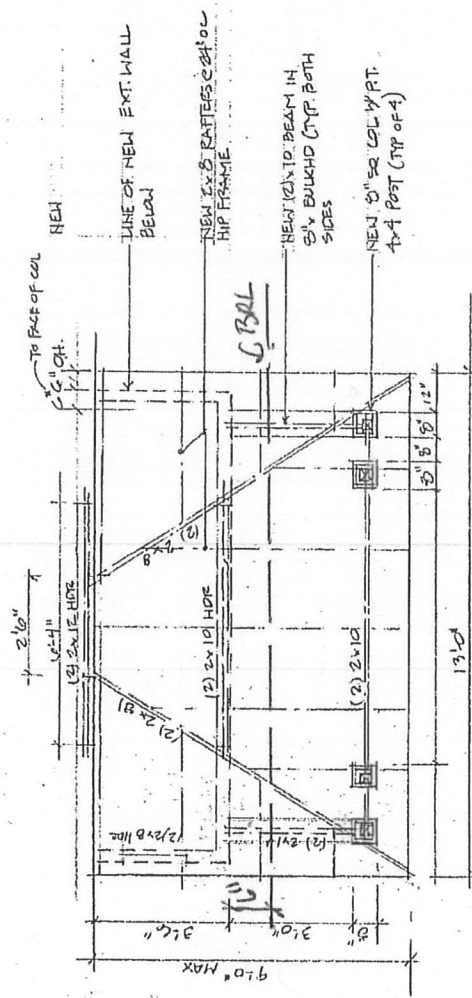
Schmutzberger-Kyros  
Residence  
Foyer Renovation Addition  
135 Grafton St. Chevy Chase, MD

CONTRACTOR TO VERIFY ALL DIMENSIONS AND CONDITIONS IN THE FIELD BEFORE PROCEEDING WITH THE WORK.  
DRAWINGS AND SPECIFICATIONS AS INSTRUMENTS OF SERVICE ARE THE PROPERTY OF THE ARCHITECT. NO PART OF THESE DRAWINGS OR SPECIFICATIONS ARE TO BE REPRODUCED OR COPIED ON OTHER WORK EXCEPT BY WRITTEN AGREEMENT WITH THE ARCHITECT.  
WHETHER THE WORK FOR WHICH THEY ARE MADE BE EXECUTED OR NOT AND ARE NOT TO BE USED FOR ANY OTHER PURPOSE.

PROJECT NO.	1015
ISSUE DATE	11-26-10
1.1	




FOUNDATION / FLOOR FRAMING PLAN

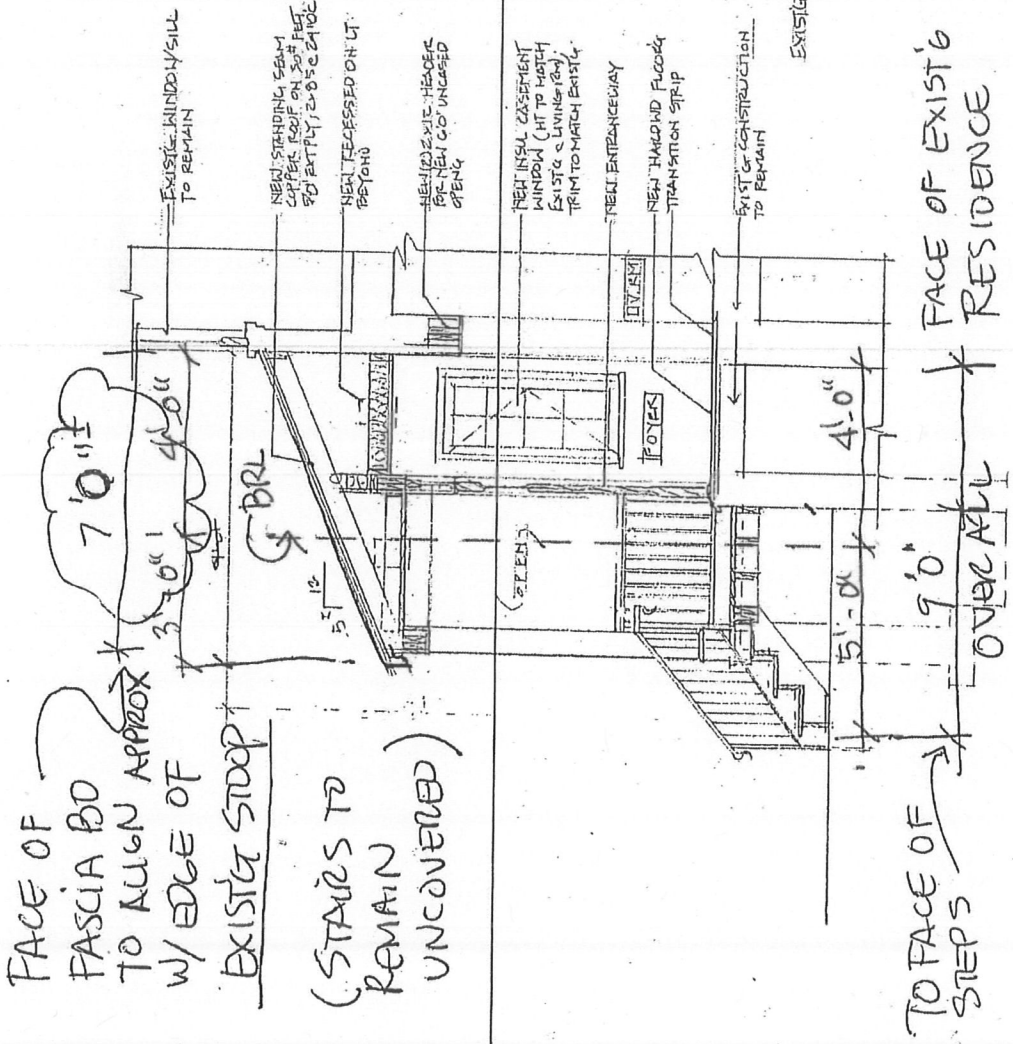


# ROOF FRAMING PLAN

Proposed

1.2	11/26/12	ISSUE DATE	10/15	PROJECT NO.	<p>OWNERS AND ARCHITECTS ARE THE PROPERTY OF THE ARCHITECT AND THE INFORMATION CONTAINED HEREIN IS NOT TO BE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AGREEMENT WITH THE ARCHITECT.</p> <p>THIS DOCUMENT IS NOT TO BE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AGREEMENT WITH THE ARCHITECT.</p> <p>CONTRACTOR TO VERIFY ALL DIMENSIONS AND CONDITIONS IN THE FIELD BEFORE PROCEEDING WITH THE WORK.</p> <p>Schnaubeiderger-Kyros Foyer Renovation/ Addition 135 Grafton St. Chevy Chase, MD</p>	 <p>ARCHETYPE STUDIO</p>
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1.3 SECTION 12'11 1/2"

2.1.3 WALL SECTION 12'11 1/2"

Proposed

<p>ARCHEUS STUDIO</p> <p>300 Maryland Ave Chevy Chase, MD 20815</p>	<p>Schnauefberger-Kyros Residence Foyer Renovation/Addition 135 Grafton St. Chevy Chase, MD</p>	<p>CONTRACTOR TO VERIFY ALL DIMENSIONS AND CONDITIONS IN THE FIELD BEFORE PROCEEDING WITH THE WORK. DRAWINGS AND SPECIFICATIONS AS INSTRUMENTS OF SERVICE ARE THE PROPERTY OF THE ARCHITECT AND ARE NOT TO BE REPRODUCED OR COPIED ON OTHER WORK EXCEPT BY WRITTEN AGREEMENT WITH THE ARCHITECT.</p>	<p>PROJECT NO. 1015</p>	<p>ISSUE DATE 11-26-10</p>	<p>1.3</p>
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Chevy Chase Village – Application for a Variance

135 Grafton Street Chevy Chase, Md

Tom Schaufelberger/ Joanne Kyros

*Describe the special conditions of the property (e.g. odd shape, sloping topography, abuts highway, etc) and how the property compares to other properties in the Village:*

The rear of the house consists of an addition that was constructed in 1990. The entire side line of the house runs five feet from the property line, pursuant to a variance granted by the Village. We would like to enclose a preexisting porch along the lines of its current boundaries that would open into the existing house.

Regarding the front stoop, a very great number of other properties throughout the Village and on our block have covered landings. We would like to have a small low sloped copper roof over our small front landing for safety for our elderly guests and to architecturally provide the front of the house with a less boxlike feel, in concert with the neighborhood.

*Describe how enforcement of the building regulations would result in unwarranted hardship and injustice because of the special conditions described above( i.e. describe (i) the unwarranted hardship and injustice that you claim exists and (ii) how the special conditions cause that unwarranted hardship and injustice):*

- (1) We would like the room at the rear of the house to be in alignment with the existing house and to enclose the footprint of our existing porch. We request that the variance that was granted by the Village in 1990 be reconfirmed to permit this.
- (2) Our house was constructed in 1947 and the front steps are original. We would like to have them repaired, and faced with flagstone. We want to bring the front steps up to code safety standards. We are advised by the contractor that in order to do so, we must add one more step so that each one is not so steep. Currently the first step is very high and hazardous, and people who are visiting have a great deal of difficulty with them, particularly older persons. This would also serve to repair some cracks and subsidence that has occurred over the last half century.
- (3) We would like to place a small roof (drawing attached) over the existing landing for safety reasons. It has proven unsafe and slippery to have uncovered space at the landing.

My father fell on ice on the stoop during a recent visit. We would note as an aside, that Montgomery County considers a covered stoop such as we propose to be open space, because you can look right through the open landing as it is open on all sides. The proposed roof would only extend to the edge of the stoop, less than five feet from the front door. Our neighbors have voiced support for our request.

*Describe how the proposed variance most nearly accomplishes the intent and purpose of the requirements of Chapter 8 of the Chevy Chase Village Code, entitled Buildings and Building Regulations:*

It maintains the integrity of the existing house and brings the front stoop area up to code.



the Northerly side of Taylor Street; thence with the Northerly side of Taylor Street, and with the fifth line of the said conveyance, South 88° 09' West, 232.45 foot to the place of beginning; containing 40,980 square feet of land, more or less, and being the same land conveyed to Constance Porter by deeds from Frank H. Shultz and wife, dated October 1, 1937 and recorded in Liber 685 at folio 277, of said Land Records, and dated December 13, 1937, and recorded April 8, 1938, among said Land Records, respectively.

Subject, however, to a First Deed of Trust now matter of record.

And the said parties of the first part hereby covenant to warrant specially the property hereby conveyed: except as to hereinabove mentioned Deed of Trust, and to execute such further assurances of said land as may be requisite.

Witness their hands and seals on the day and year first hereinbefore written.

Signed, sealed and delivered  
in the presence of  
O. P. Plummer

Constance Porter Kraskin (Seal)  
Lewis H. Kraskin (Seal)

District of Columbia, to wit:

I, O. P. Plummer, a Notary Public in and for the District of Columbia, do hereby certify that on this 12th day of September, A. D. 1940, Constance Porter Kraskin (formerly Constance Porter) and Lewis H. Kraskin, her husband, parties to a certain Deed bearing date on the 12th day of September A. D. 1940, and hereto annexed, personally appeared before me in said District, the said Constance Porter Kraskin and Lewis H. Kraskin being personally well known to me as the persons who executed the said deed, and acknowledged the same to be their act and deed.

Given under my hand and seal this 12th day of September A. D. 1940.

G. P. Plummer  
Notary Public  
District of  
Columbia

G. P. Plummer  
Notary Public, D. C.

EXAMINED

mailed to  
Grantee  
Woodward Bldg  
Wash. D.C.  
11-28-40

At the request of Emory H. Bogley, the following Deed was recorded September 19th., A. D. 1940 at 2:46 o'clock P. M., to wit:

This Deed, Made this 14th day of September in the year one thousand nine hundred and forty by and between The Chevy Chase Land Company, of Montgomery County, Maryland (a corporation duly organized under and by virtue of the laws of the State of Maryland), party of the first part, and Emory H. Bogley, of the State of Maryland, party of the second part;

Witnesseth, That the said party of the first part, for and in consideration of the sum of Ten (10) Dollars to it paid by the said party of the second part, and of the covenants and agreements of the said party of the second part as hereinafter set forth, does hereby grant and convey unto the said party of the second part, in fee simple, the following described land and premises, with the improvements, easements and appurtenances thereunto belonging, situate in the County of Montgomery, State of Maryland, namely:

Lots numbered Five (5) and Six (6) in Block numbered Sixty-three (63) in the subdivision made by The Chevy Chase Land Company of Montgomery County, Maryland, known as "Chevy Chase, Section Two" as per plat of said subdivision recorded in Plat Book No. 3, page 273, of the Land Records of Montgomery County, Maryland.

Subject to building restriction line as shown on said plat.



It is hereby understood and agreed that no building shall be erected on the land hereby conveyed unless and until the plans of the elevations, the design and color scheme thereof, as well as the location of said building on said land shall be first approved in writing by The Chevy Chase Land Company of Montgomery County, Maryland, or its successors.

It is hereby understood and agreed that no objection will be raised to the rezoning of lots in Blocks 6 and 11 in the subdivision known as "Section One-A, Chevy Chase", Montgomery County, Maryland, for use for commercial purposes.

In evidence of his acceptance of the covenants and restrictions herein contained and of his intention to bind himself, his heirs and assigns, in carrying out and performing same, the said party of the second part has hereunto set his hand and seal.

To Have and to Hold the said land and premises, with the improvements, easements and appurtenances, unto and to the use of the said party of the second part, in fee simple.

In Consideration of the execution of this Deed, the said party of the second part, for himself and for his heirs and assigns, hereby covenants and agrees with the party of the first part, its successors and assigns (such covenants and agreements to run with the land), as follows, viz:

1. That all houses upon the premises hereby conveyed shall be built and used for residence purposes exclusively, except stables, carriage-houses, sheds or other out-buildings, for use in connection with such residences, and that no trade, business, manufacture or sales, or nuisance of any kind shall be carried on or permitted upon said premises.

2. That no structure of any description shall be erected within twenty-five (25) feet of the front line of said premises; and that no stable, carriage-house, shed, or outbuilding shall be erected except on the rear of said premises.

In the case of corner lots any and all lines bordering upon a street, avenue, or parkway shall be considered a front line.

3. That no house shall be erected on said premises at a cost less than Seventy-five hundred (7500) Dollars.

4. That any house erected on said premises shall be designed for the occupancy of a single family, and no part of any house or of any structure appurtenant thereto shall be erected or maintained within five (5) feet of the side lines of premises hereby conveyed, nor within (10) ten feet of the nearest adjacent house.

5. That a violation of any of the aforesaid covenants and agreements may be enjoined and the same enforced at the suit of The Chevy Chase Land Company, of Montgomery County, Maryland, its successors and assigns (assigns including any person deriving title immediately or immediately from said Company to any lot or square, or part of a lot or square in the Section of the Subdivision of which the land hereby conveyed forms a part).

And the said party hereto of the first part hereby covenants to warrant specially the property hereby conveyed, and to execute such further assurances of said land as may be requisite.

In Testimony Whereof, on the day and year first hereinbefore written, the said, The Chevy Chase Land Company, of Montgomery County, Maryland, has caused these presents to be signed with its corporate name by Edward L. Hillier its President, attested by William L. Miller, its Assistant Secretary, and its corporate seal to be hereunto affixed, and does hereby constitute and appoint William L. Miller its true and lawful Attorney-in-fact, for it and in its name, place and stead to acknowledge these presents as its act and deed before any person or officer duly authorized to take such acknowledgment, and to deliver the same as such.

Attest:

Wm. L. Miller  
Assistant Secretary

The Chevy Chase Land Company, of Montgomery  
County, Maryland

By: Edward L. Hillier



Chevy Chase Village  
**Website Posting Notice**  
**for Appeal, Special Permit & Variance Hearings**

Case Number: A-6409

Hearing Date: September 9, 2013

By signing below, I acknowledge as the applicant/appellant in the above-referenced case number that all supporting information and documentation for my case will be posted on the Village's website at <[www.chevychasevillagemd.gov](http://www.chevychasevillagemd.gov)> for review by the general public.

Applicant/Appellant Name: Thomas Schaufelberger / Joanne Kyros

Address: 135 Grafton St.

Telephone: 301.986.5633

E-mail: Thosho@aol.com

Applicant/Appellant Signature: 

Agent Name for applicant/appellant (if necessary): Rick Taylor

Telephone:

Address:

E-mail:

Signature of agent:

Village staff initials: QS

Date: 8/20/13